



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal No. 08CR1549-LAB
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION OF
)	THE MAGISTRATE JUDGE UPON A
v.)	PLEA OF GUILTY TO A VIOLATION
)	OF 8 U.S.C. SECTION 1326 (a)
ANTONIO URTUSUASTEQUI-GARCIA,)	and (b) WITH WAIVER OF
)	OBJECTIONS AND THE PREPARATION
Defendant.)	OF THE PRESENTENCE REPORT

Upon Defendant's request to enter a plea of Guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Judge, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, the matter came on for a hearing on Defendant's plea of guilty, in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

In consideration of that hearing and the allocution made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

I make the following FINDINGS - that the Defendant

1 removed from the United States after **NOVEMBER 29, 2001.**

2 **I therefore RECOMMEND that the District Judge accept the**
3 **Defendant's plea of guilty.**

4 The sentencing hearing will be before United States District
5 Judge LARRY A. BURNS, on AUGUST 18, 2008, at 2:30 P.M.

6 Objections to these Findings and Recommendation were waived
7 by the parties at the hearing. The parties have also waived the
8 preparation of the Presentence report in this case.

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10 Dated: JULY 16, 2008


Honorable CATHY ANN BENCIVENGO
United States Magistrate Judge

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12 Copies to:

13 Hon. LARRY A. BURNS
14 U.S. District Judge

15 STEVEN DeSALVO
16 United States Attorney

17 GREGORY MURPHY OF FEDERAL DEFENDERS, INC.
18 Counsel for Defendant
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